



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 581

AS ENACTED

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to the Office of Education Accountability.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 7.410 is amended to read as follows:

2 (1) It is the intent of the General Assembly to provide an efficient system of common
3 schools which shall be operated without waste, duplication, mismanagement, and
4 political influence. The system of schools shall have the goal of providing all
5 students with at least the seven (7) capacities referred to in KRS 158.645.

6 (2) (a) An Office of Education Accountability is hereby created and shall be under
7 the direction of the Legislative Research Commission and shall be advised
8 and monitored by the Education Assessment and Accountability Review
9 Subcommittee.

10 (b) The Office of Education Accountability shall be administered by a deputy
11 director appointed by the Legislative Research Commission upon
12 recommendation of the director of the Legislative Research Commission. The
13 deputy director shall have the qualifications set by the Commission. The
14 salary of the deputy director shall be set by the Commission. The Commission
15 shall have exclusive jurisdiction over the employment of personnel necessary
16 to carry out the provisions of this section. The deputy director shall be subject
17 to the direction of and report to the director of the Legislative Research
18 Commission.

19 (c) The Office of Education Accountability shall have the following duties and
20 responsibilities:

21 1. Monitor the elementary and secondary public education system~~[-and~~
22 ~~implementation of the provisions of the Kentucky Education Reform~~
23 ~~Act of 1990, 1990 Ky. Acts ch. 476],~~ including actions taken and reports
24 issued by the Kentucky Board of Education, the Education Professional
25 Standards Board, the commissioner of education~~[chief state school~~

1 officer], the Department of Education, and local school districts,~~and~~
 2 ~~vocational and higher education as affected by the Kentucky Education~~
 3 ~~Reform Act of 1990, 1990 Ky. Acts ch. 476].~~ Upon and under the
 4 direction of the Education Assessment and Accountability Review
 5 Subcommittee, the monitoring of the elementary and secondary public
 6 education system shall also include periodic reviews of local district and
 7 school-based decision making policies relating to the recruitment,
 8 interviewing, selection, evaluation, termination, or promotion of
 9 personnel. The office shall report any district or school when evidence
 10 demonstrates a pattern of exclusionary personnel practices relating to
 11 race or sex to the Kentucky Department of Education, which shall then
 12 independently investigate facts raised in or associated with the report.
 13 The results of the investigation conducted by the department shall be
 14 forwarded to the Kentucky Board of Education which shall conduct an
 15 investigative hearing on the matter.

- 16 2. Upon and under the direction of the Education Assessment and
 17 Accountability Review Subcommittee,~~[Establish a Division of School~~
 18 ~~Finance which shall conduct an ongoing]~~ review~~[of]~~ the elementary
 19 and secondary public education finance system. The review shall
 20 include an analysis of the level of equity achieved by the funding system
 21 and whether adequate funds are available to all school districts and an
 22 analysis~~[: a review]~~ of the weights of various education program
 23 components~~[: which are to be]~~ developed by the Department of
 24 Education~~[no later than October 1, 1991]~~. The review may also
 25 include~~[division shall develop]~~ recommendations for the base per pupil
 26 funding for the Support Education Excellence in Kentucky Program and
 27 a statewide salary schedule, and~~[. It shall conduct]~~ studies of other

1 finance issues identified by the Education Assessment and
 2 Accountability Review Subcommittee~~[as needing further study,~~
 3 ~~including a review of the transportation formula required in KRS~~
 4 ~~157.360. The division shall submit an annual report of its activities,~~
 5 ~~findings, and recommendations to the Education Assessment and~~
 6 ~~Accountability Review Subcommittee. Upon approval of the~~
 7 ~~subcommittee, the annual report shall be forwarded to the Governor, the~~
 8 ~~Legislative Research Commission, and the Kentucky Board of~~
 9 ~~Education no later than October 1 each year].~~

- 10 3. Upon and under the direction of the Education Assessment and
 11 Accountability Review Subcommittee, verify the accuracy of reports of
 12 school, district, and state performance by conducting, requesting, or
 13 upon approval of the Legislative Research Commission, contracting for
 14 periodic program and fiscal audits~~[as necessary].~~ Upon and under the
 15 direction of the Education Assessment and Accountability Review
 16 Subcommittee, the Office of Education Accountability shall monitor and
 17 verify the accuracy of reports of the Department of Education and the
 18 Kentucky Board of Education, including but not limited to the annual
 19 fiscal conditions of grants, categorical programs, and other educational
 20 initiatives set forth by the General Assembly.
- 21 4. Investigate allegations of wrongdoing of any person or agency, including
 22 but not limited to waste, duplication, mismanagement, political
 23 influence, and illegal activity at the state, regional, or school district
 24 level; make appropriate referrals to other agencies with jurisdiction
 25 over those allegations;~~[which have not been resolved or satisfactorily~~
 26 ~~explained by the local superintendent, local board of education, the chief~~
 27 ~~state school officer, or the Kentucky Board of Education,]~~ and make

1 recommendations for legislative action to the Education Assessment and
 2 Accountability Review Subcommittee. Upon acceptance by~~approval~~
 3 ~~of~~ the subcommittee, recommendations for legislative action shall be
 4 forwarded to the Legislative Research Commission. The Office of
 5 Education Accountability shall submit to the subcommittee, for each of
 6 its regular meetings, a report that summarizes investigative activity
 7 initiated pursuant to this subparagraph. The subcommittee may consider
 8 each report as it determines and in its discretion. Each report, and the
 9 consideration thereof by the subcommittee, shall be exempt from the
 10 open records and open meetings requirements contained in KRS Chapter
 11 61.

- 12 5. Upon and under the direction of the Education Assessment and
 13 Accountability Review Subcommittee, conduct studies, analyze, verify,
 14 and validate the state assessment program through other external
 15 indicators of academic progress including but not limited to American
 16 College Test scores, Scholastic Assessment Test scores, National
 17 Assessment of Educational Progress scores, Preliminary Scholastic
 18 Assessment Test scores, Advanced Placement Program participation,
 19 standardized test scores, college remediation rates, retention and
 20 attendance rates, dropout rates, and additional available data on the
 21 efficiency of the system of schools and whether progress is being made
 22 toward attaining the goal of providing students with the seven (7)
 23 capacities as required by KRS 158.645.

- 24 6. Make periodic reports to the Education Assessment and Accountability
 25 Review Subcommittee as directed by the subcommittee. Upon
 26 acceptance by~~approval of~~ the subcommittee, the reports shall be
 27 forwarded to the Legislative Research Commission.

1 7. Make periodic reports to the Legislative Research Commission as may
2 be directed by the Commission.

3 8. Prepare an annual report, which shall consist of a summary of the
4 status and results of the current year annual research agenda
5 provided in paragraph (d) of this subsection, a summary of completed
6 investigative activity conducted pursuant to subparagraph 4. of this
7 paragraph, and other items of significance as determined by the
8 Education Assessment and Accountability Review Subcommittee. The
9 annual report~~[on the implementation of the provisions of the Kentucky~~
10 ~~Education Reform Act of 1990, 1990 Ky. Acts ch. 476, including~~
11 ~~recommendations for improvement which]~~ shall be submitted to the
12 Education Assessment and Accountability Review Subcommittee. Upon
13 acceptance by~~[approval of]~~ the subcommittee, the annual report shall be
14 submitted to the Governor, the Legislative Research Commission, and
15 the Kentucky Board of Education.

16 (d) On or before December 1 of each calendar year, the Education Assessment
17 and Accountability Review Subcommittee shall adopt the annual research
18 agenda for the Office of Education Accountability. The annual research
19 agenda may include studies, research, and investigations considered to be
20 significant by the Education Assessment and Accountability Review
21 Subcommittee. Staff of the Office of Education Accountability shall prepare
22 a suggested list of study and research topics related to elementary and
23 secondary public education for consideration by the Education Assessment
24 and Accountability Review Subcommittee in the development of the annual
25 research agenda. An adopted annual research agenda shall be amended to
26 include any studies mandated by the next succeeding General Assembly for
27 completion by the Office of Education Accountability.

1 (e) The Office of Education Accountability shall have access to all public records
 2 and information on oath as provided in KRS 7.110. The office shall also have
 3 access to otherwise confidential records, meetings, and hearings regarding
 4 local school district personnel matters. However, the office shall not disclose
 5 any information contained in or derived from the records, meetings, and
 6 hearings that would enable the discovery of the specific identification of any
 7 individual who is the focus or subject of the personnel matter.

8 ~~(f)~~(e) In compliance with KRS 48.800, 48.950, and 48.955, the Finance and
 9 Administration Cabinet and the Governor's Office for Policy and Management
 10 shall provide to the Office of Education Accountability access to all
 11 information and records, other than preliminary work papers, relating to
 12 allotment of funds, whether by usual allotment or by other means, to the
 13 Department of Education, local school districts, and to other recipients of
 14 funds for educational purposes.

15 ~~(g)~~(f) Any state agency receiving a complaint or information which, if
 16 accurate, may identify a violation of the Kentucky Education Reform Act of
 17 1990, 1990 Ky. Acts ch. 476, shall notify the office of the complaint or
 18 information.

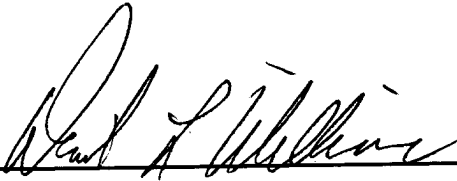
19 ~~(h)~~(g) The Office of Education Accountability may contract for services as
 20 approved by the Legislative Research Commission pursuant to KRS 7.090(7).

21 (3) The provisions of KRS 61.878 or any other statute, including Acts of the 1992
 22 Regular Session of the General Assembly to the contrary notwithstanding, the
 23 testimony of investigators, work products, and records of the Office of Education
 24 Accountability relating to duties and responsibilities under subsection (2) of this
 25 section shall be privileged and confidential during the course of an ongoing
 26 investigation or until authorized, released, or otherwise made public by the Office
 27 of Education Accountability and shall not be subject to discovery, disclosure, or

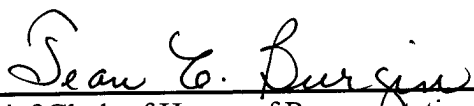
1 production upon the order or subpoena of a court or other agency with subpoena
2 power.



Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 